THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.21602 OF 2005

Dated: 16-11-2005

Between

Rashida Hussain, W/o. Late Amjad Hussain, Occ: Household, R/o. 11-6-822, Red Hills, Hyderabad.

...PETITIONER

AND

The Superintendent of Police, Medak District and another.

...RESPONDENTS

ORDER:

This writ petition is filed seeking a Writ of Mandamus to declare the action of the respondents in harassing the petitioner to partition her property bearing Plot No.46, Ramachandrapuram Colony, Medak District and Plot No.2, Chandranagar Colony, Ranga Reddy District during her life time and compelling the petitioner to give share in it to the legal heirs of her deceased son contrary Muslim Law as illegal and arbitrary.

Petitioner submits that she is the wife of Late Amjad Hussain and has two sons and one daughter. He husband and elder son died. The children of the elder son are demanding for partition of her properties and without taking any legal recourse they have approached the police and pressurizing her through police to distribute her properties. She further submits that without there being any report or complaint against her the police are illegally interfering with her personal life and liberty and compelling her to distribute, divide her properties among her legal heirs.

It is always open for her legal heirs to take appropriate legal recourse for partition of the properties and if there is any criminal action committed by the petitioner it is also open for them to file a report before the police. But without there being any report or complaint filed against the petitioner by her family members or her legal heirs the police cannot interfere with her personal life and liberty.

The writ petition is accordingly disposed of directing the respondents not to interfere with the personal life and liberty of the petitioner and compel her to distribute or divide her properties. However, if there is any report against the petitioner it is always open for the respondents to register the FIR and investigate the same in accordance with law.

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V. ESWARAIAH, J

November 16, 2005

Note: Furnish copy in two days

(B/o)

DSK